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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 ROY ALAN O'GUINN,

8 Plaintiff,

9 v.

10 SENIOR CORRECTIONAL  
11 OFFICER TIMOTHY TOOKER, *et al.*,

12 Defendants.

3:09-CV-00684-RCJ-WGC

**ORDER**

13 Before the Court is the Report and Recommendation of U.S. Magistrate Judge Robert A.  
14 McQuaid, Jr., (ECF No. 51) entered on August 2, 2011, recommending that Defendants' Motion for  
15 Summary Judgment (ECF No. 28) be granted and Plaintiff's Fed.R.Civ.P. 56(f) Motion (ECF No. 38)  
16 be denied. Plaintiff filed his Objection to the Report and Recommendation of U.S. Magistrate Judge  
17 contained in (ECF No. 57 beginning on page 44) and Defendants filed their response to Plaintiff's  
18 Objection to the Report and Recommendation of U.S. Magistrate Judge (ECF No. 59) on September 13,  
19 2011.

20 The Court has conducted its *de novo* review in this case, has fully considered the objections of  
21 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant  
22 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's  
23 Report and Recommendation (ECF No. 51) entered on August 2, 2011, should be adopted and accepted.

24 IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (ECF No. 28) is  
25 GRANTED and Plaintiff's Fed.R.Civ.P.56(f) Motion (ECF No. 38) is DENIED. The Clerk of the Court  
26 shall enter judgment accordingly.

27 DATED: this 13<sup>th</sup> of September, 2011.  
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ROBERT C. JONES  
UNITED STATES DISTRICT CHIEF JUDGE